	Application No.	Applicant(s)
	09/955,005	WALLERSTEIN ET AL.
Notice of Allowability	Examiner	Art Unit
	Mohammed Hasan	2873
The MAILING DATE of this communication appears all claims being allowable, PROSECUTION ON THE MERITS I herewith (or previously mailed), a Notice of Allowance (PTOL-8 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT of the Office or upon petition by the applicant. See 37 CFR 1.3	S (OR REMAINS) CLOSED in this ap 5) or other appropriate communicatio <b>RIGHTS</b> . This application is subject	oplication. If not included on will be mailed in due course. THIS
<ol> <li>This communication is responsive to <u>11/24/2003</u>.</li> <li>The allowed claim(s) is/are <u>1- 58</u>.</li> <li>The drawings filed on are accepted by the Examir 4 Acknowledgment is made of a claim for foreign priority</li> </ol>		
a) All b) Some* c) None of the:		
1. Certified copies of the priority documents ha		
2. Certified copies of the priority documents ha		<del></del>
3. Copies of the certified copies of the priority d	locuments have been received in this	national stage application from the
International Bureau (PCT Rule 17.2(a)).  * Certified copies not received:		
<ul><li>5. Acknowledgment is made of a claim for domestic priority</li></ul>	under 35 I I S C & 110(a) (to a provin	vional application) since a specific
reference was included in the first sentence of the specifi	cation or in an Application Data Shee	et. 37 CFR 1.78.
(a) The translation of the foreign language provisional		
6. Acknowledgment is made of a claim for domestic priority in the first sentence of the specification or in an Application	under 35 U.S.C. §§ 120 and/or 121 s on Data Sheet. 37 CFR 1.78.	ince a specific reference was included
Applicant has THREE MONTHS FROM THE "MAILING DATE" below. Failure to timely comply will result in ABANDONMENT of	of this communication to file a reply c of this application. THIS THREE-MO	omplying with the requirements noted NTH PERIOD IS NOT EXTENDABLE
7. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which gi	mitted. Note the attached EXAMINER ves reason(s) why the oath or declars	C'S AMENDMENT or NOTICE OF ation is deficient.
8. $\boxtimes$ CORRECTED DRAWINGS ( as "replacement sheets") mu	ust be submitted.	
(a) 🗌 including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached		
1) hereto or 2) to Paper No		
<ul><li>(b) ☐ including changes required by the proposed drawing Examiner.</li></ul>	correction filed 24 November 2003,	which has been approved by the
(c)  including changes required by the attached Examine.	r's Amendment / Comment or in the C	Office action of Paper No
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in	1.84(c)) should be written on the drawi the margin according to 37 CFR 1.121(	ngs in the front (not the back) of (d).
9.   DEPOSIT OF and/or INFORMATION about the depattached Examiner's comment regarding REQUIREMENT FOR	osit of BIOLOGICAL MATERIAL r THE DEPOSIT OF BIOLOGICAL MA	must be submitted. Note the TERIAL.
Attachment(s)		
1 Notice of References Cited (PTO-892)	5 Notice of Informal Pa	atent Application (PTO-152)
2 Notice of Draftperson's Patent Drawing Review (PTO-948)	6⊠ Interview Summary (	PTO-413), Paper No. <u>4</u>
3 Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No.	<sup>98),</sup> 7⊠ Examiner's Amendm	ent/Comment
4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	8⊠ Examiner's Statemer 9□ Other	nt of Reasons for Allowance

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## **DETAILED ACTION**

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## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary Olynick on December 31, 2003.

Attorney agreed to change:

Claim 1, line 1, delete phrase "from a from a", insert - - from a - -.

## Allowable Subject Matter

- 2. Claims 1- 58 are allowed.
- 3. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1, 30 and 53, for example which include a

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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## Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (703) 306-0089. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (703) 308-4883. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MH December 31, 2003

> Scott J. Sugarman Primary Examiner

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